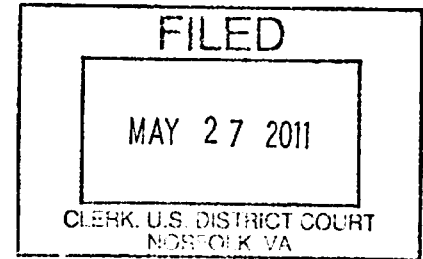


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION



BUILDER'S MUTUAL INSURANCE CO.,

Plaintiff,

v.

FIREMEN'S INSURANCE CO. OF  
WASHINGTON, D.C., and DRAGAS  
MANAGEMENT CORP.

Defendants/Third-  
Party Plaintiffs,

v.

HANOVER INSURANCE CO., and  
CITIZENS INSURANCE CO. OF  
AMERICA,

Third-Party  
Defendants.

Civil Action No. 2:09-cv-185

**MOTION GRANTED.**

Entered this 27<sup>th</sup> day of MAY 2011

  
\_\_\_\_\_  
Rebecca Beach Smith  
United States District Judge

**THIRD-PARTY DEFENDANTS' MOTION FOR LEAVE TO  
SUBMIT RECENTLY-DECIDED AUTHORITY IN FURTHER  
SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

Third-party defendants Hanover Insurance Company and Citizens Insurance Company of America (collectively, "Hanover") respectfully move the Court for leave to submit a recent decision from the Circuit Court of Virginia Beach, Virginia, in which the court held a "pollution exclusion" in a homeowners' insurance policy precluded coverage for claims relating to damage caused by "Chinese Drywall." The arguments supporting this motion for leave are set forth in the accompanying Memorandum in Support of Third Party Defendants' Motion for Leave to Submit Recently Decided Authority in Further Support of Their Motion for Summary Judgment.

Dated: May 12, 2011

Respectfully submitted,

/s/

Thomas S. Garrett  
VSB No. 73790  
Counsel for Hanover Insurance Company  
and Citizen's Insurance Company of America  
Harman, Claytor, Corrigan & Wellman, P.C.  
P.O. Box 70280, Richmond, Virginia 23255  
Phone: (804) 747-5200  
Fax: (804) 747-6085  
tgarrett@hccw.com

John Malloy (admitted *pro hac vice*)  
Counsel for Hanover Insurance Company  
And Citizen's Insurance Company of America  
Robinson & Cole, LLP  
280 Trumbell St  
Hartford, CT 06103  
(860) 275-8200  
(860) 275-8299 (fax)  
jmalloy@rc.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of May, 2011, I filed the foregoing electronically with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Danny M. Howell, Esq.  
Michael Thomas Marr, Esq.  
Courtney South Schorr, Esq.  
Mikhael David Charnoff, Esq.  
Stephen Mark Goldman, Esq.  
SANDS ANDERSON MARKS & MILLER  
1497 Chain Bridge Road, Suite 202  
McLean, Virginia 22101  
and  
Douglas A. Winegardner, Esq.  
Jeffrey Hamilton Geiger, Esq.  
Lisa T. Hudson, Esq.  
Sands Anderson Marks & Miller  
801 E. Main St.  
Richmond, VA 23218-1998  
*Counsel for Plaintiff Builder's Mutual Insurance Company*

Kristan B. Burch, Esq.  
W. Edgar Spivey, Esq.  
R. Johan Conrod, Jr., Esq.  
KAUFMAN & CANOLES, P.C.  
150 West Main Street, Suite 2100  
Norfolk, VA 23510  
*Counsel for Defendant Dragas Management Corp.*

John B. Mumford, Jr., Esq.  
Kathryn E. Kransdorf, Esq.  
HANCOCK DANIEL JOHNSON & NAGLE, P.C.  
4701 Cox Road, Suite 400  
Glen Allen, VA 23060  
*Counsel for Defendant Firemen's Insurance Company of Washington, D.C.*

/s/  
\_\_\_\_\_  
Thomas S. Garrett  
VSB No. 73790  
Counsel for Hanover Insurance Company  
and Citizen's Insurance Company of America  
Harman, Claytor, Corrigan & Wellman  
P.O. Box 70280, Richmond, Virginia 23255  
(804) 747-5200  
(804) 747-6085 - facsimile  
tgarrett@hccw.com